

## Withdrawing a Rental Unit from the Market ("Ellis Act")

Section 7060 *et seq.* of the California Government Code (also known as the "Ellis Act") allows owners to completely and permanently withdraw rental units from the market. The City of Oakland has specific requirements that must be followed when withdrawing a property under the provisions of the Ellis Act.

### [Overview](#)

### [Oakland Municipal Code Requirements](#)

### [How to Comply with Oakland's Requirements for Ellis Act withdrawals](#)

### [Ellis Act filing checklist](#)

### [Forms](#)

## Overview

The procedures in the City of Oakland for compliance with the Ellis Act (Government Code § 7060 *et seq.*) are set forth in [Sections 8.22.400 through 8.22.480 of the Oakland Municipal Code](#).

Withdrawal of rental units from the rental market is a very serious and sometimes complicated matter, and owners are strongly encouraged to seek and obtain legal advice concerning their own particular circumstances. Once a tenant is given a Notice of Termination (Form 1) and vacates any unit on the property, the application cannot be withdrawn.

An Owner withdraws his property from the rental market under the Ellis Act and Oakland Ordinance by filing with the Rent Adjustment Program a series of documents called the "Withdrawal Notices" (consisting of the notice to tenants of termination and the notice to the rent adjustment program, and a certification recorded in the recorder's office, plus filing fee). These must be signed by all owners of record, subject to penalty for perjury.

120 days after filing the Withdrawal Notices, or one (1) year if the tenant is sixty-two (62) years of age or older and/or disabled, the withdrawal is effective. Withdrawal may not be used to withdraw less than all of the rental units on the property, nor to withdraw a rental unit during a fixed term lease, nor to retaliate or discriminate against a tenant.

The laws only apply to physical structures containing four or more residential units or with respect to a detached physical structure containing three or fewer rental units, the rental units in that structure and in any other structure located on the same parcel of land, including any detached physical structure.

Lower income households are entitled to relocation assistance which consists of two months rent in effect at the time of the notice of termination.

Tenants who provide a written notice of interest in re-renting should the unit be put back on the market within ten years must be offered first chance to rent.

You are required to keep the Rent Adjustment Program advised if you intend to re-rent your property.

If you have questions, please call the Rent Adjustment Program.

at (510) 238-3721..

Oakland Municipal Code Requirements | [PDF](#)

Link to Oakland Municipal Code sections pertaining to Ellis Act withdrawals

How to Comply with Oakland's Requirements for Ellis Act  
withdrawals [PDF](#)  
Step by Step Instructions

Ellis Act Filing Checklist [PDF](#)  
Checklist of Filing Requirements and Deadlines

Forms  
[Download Forms](#) Required for Ellis Act Withdrawals

City of Oakland  
Community and Economic Development Agency  
Housing and Community Development Division  
250 Frank Ogawa Plaza Suite 5313 | Oakland, CA 94612  
Tel: 510.238.3015 | Fax: 510-238-3691 | TDD: 238-3254  
2002 All Rights Reserved  
Last updated September 29, 2006  
[contact the webpage editor](#)

It is the policy of the City of Oakland not to discriminate on the basis of race, ethnicity, religion, family status,  
sexual orientation, or disability in employment or any of its programs, activities, or services.

City of Oakland is an equal opportunity housing provider

